

**CALIFORNIA COASTAL COMMISSION**

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**F-6a**

February 2, 2001

TO: Commissioners and Interested Parties

FROM: Steve Scholl, Deputy Director  
Chris Kern, North Central Coast District Supervisor

SUBJECT: Possible Conditions for Approval of CDP Application A-1-HMB-99-022 (Ailanto Properties)

**Background**

On December 13, 2000, the Commission held a de novo hearing in consideration of the above referenced coastal development permit application for the proposed Pacific Ridge Subdivision in the City of Half Moon Bay. Because the staff recommended that the Commission deny the permit application, the staff did not prepare or circulate proposed conditions for approval of the project. Following testimony by the applicant, appellants, interested public and staff, the Commission continued the hearing to its February 2001 meeting, and directed staff to prepare and circulate for public review possible conditions for approval of the development prior to the February 2001 hearing. As directed, in the event that it elects to approve the proposed Pacific Ridge Development, the staff recommends that the Commission impose the Special Conditions of approval specified below.

This memorandum briefly describes the basis for some of the conditions that staff concludes would be appropriate, in the event the Commission chooses to approve the project. As further discussed below, on January 16 and January 26, the applicant submitted to staff substantial revisions to the project plans and additional information in an attempt to respond to some of the issues raised during the December 2000 hearing. The staff has not had sufficient time to thoroughly review all of the project revisions and to prepare a new staff recommendation in response to these revisions. The staff report is therefore unchanged from the report that staff distributed prior to the December 2000 hearing recommending denial of the project. Consequently, any Commission action to either approve or deny the permit application will require revisions to the findings recommended in this report in response to the recent changes to the permit application.

**Project Revisions**

On January 16, 2001, in an effort to address some of the concerns raised during the December 13, 2000 Commission hearing, the applicant amended the permit application and provided additional information. The revisions include, among other changes, a reduction in the level of development located in and adjacent to the environmentally sensitive habitat area north of Stream 3. The applicant submitted further revisions to the Commission staff on January 26,

2001 eliminating another five lots from the habitat area. This decrease in development in and adjacent to environmentally sensitive habitat areas is accomplished by shifting much of the proposed development to the southern half of the site and reducing the number of proposed residential lots from 145 to 134. These changes do not bring the project fully into conformity with the policies of the LCP as described below.

The revised subdivision plan eliminates the previously proposed loop road from the northern portion of the site, which, if constructed, would have created a significant barrier within migration corridors for San Francisco garter snakes and California red-legged frogs and would have required three stream crossings. The revised plan also reduces the number of proposed lots located north of Stream 3 from 66 to 33. The revised project description specifies that the remaining lots proposed to be created north of Stream 3 would be graded to drain toward the streets and not into the pond or other wetlands. Consequently, the applicant has deleted the high water flood control drain previously proposed to be installed in the pond.

### **Environmentally Sensitive Habitat Areas**

The project revisions described above substantially reduce the potential impacts of the proposed development to environmentally sensitive habitat areas and sensitive species. However, even with these revisions, some significant adverse impacts to these resources would remain. Lot Numbers 124 through 131 are proposed to be located on the crest of the hill located approximately 150 feet south of the stock pond. The area where portions of these proposed lots would be located currently drains in the direction of the pond. The applicant proposes to grade the hilltop to ensure that all runoff from these lots will drain to the street, away from the pond. Preventing polluted runoff and sedimentation from draining to this area reduces the potential significant adverse water quality impacts of the proposed development to the ESHA. However, the proposed grading and other development on the hillcrest and the slopes that currently drain toward the pond will result in the direct loss of upland refuge areas suitable for the frogs and snakes.

Both the San Francisco garter snake and the California red-legged frog depend on refuge areas upland from aquatic habitats like the pond (USFWS 1998). The snake prefers open hillsides where it can sun itself, feed and find cover in rodent burrows. The snake hibernates in rodent burrows during the winter, and it has been observed breeding at the entrance to these burrows shortly after emerging from hibernation. The snake is believed to spend the majority of each day during the active season in upland burrows. Adult California red-legged frogs also rely on upland habitat areas in association with aquatic habitat. The frogs seek upland sheltering areas including animal burrows. Access to such sheltering habitat is considered essential for the survival of this species within a watershed.

Pursuant to the U.S. Fish and Wildlife Service's 1998 Biological Opinion, any development within 300 feet of the stock pond will result in the direct loss of habitat for the snake and frog. Thus, in accordance with Half Moon Bay LCP Policies 3-1, 3-3, and 3-4, as well as Coastal Act Section 30240, which has been incorporated into the Half Moon Bay LCP, the slopes above the pond should be treated as an environmentally sensitive habitat area (ESHA), with only resource-dependent uses allowed. The proposed grading and development on the hillcrest above the pond is not dependent on the resources of this ESHA and would have significant adverse impacts to

the habitat. Therefore, this proposed development is inconsistent with the ESHA protection policies of the LCP. It should be noted that portions of the slopes on the other side of the hill draining away from the pond are also located within 300 feet of the pond, and could be considered ESHA in accordance with the 1998 Biological Opinion. However, the Commission's staff biologist's evaluation indicates that this side of the hill is not critical to the snakes and frogs, and that development on these slopes would not significantly impact these species. Therefore, in conjunction with any action that it may take to approve the proposed development, the staff recommends that the Commission impose Special Condition 1 below to avoid potentially significant adverse effects to ESHA.

The revised project plan, as further modified by proposed Special Condition 1, will prevent the direct loss of ESHA. However, some potentially significant impacts to the San Francisco garter snake and the California red-legged frog will remain despite the mitigation measures required by Special Condition 1. Development is proposed within 30 feet of Streams 1, 2, and 3. Although these streams do not provide breeding habitat for the California red-legged frog, they do provide potential dispersal corridors for the frog (Balfour 2001). During winter rain events, juvenile and adult frogs are known to disperse up to two kilometers. The proposed development poses significant adverse impacts to the frogs by restricting movement between these corridors. In addition, domestic animals associated with the proposed residential development may prey on both species. To mitigate these potentially significant adverse impacts, the staff recommends that the Commission impose Special Condition 5 below requiring the applicant to manage the ESHA for the San Francisco garter snake and the California red-legged frog. The primary management measure required under this condition is the control of bullfrogs and other predators of these species as recommended by both the applicant's consultant and the Commission's staff biologist. Staff also recommends that the Commission impose Special Condition 6 to protect the stream corridors from construction-related impacts. Finally, the staff also recommends Special Condition 2 requiring the applicant to record and offer to dedicate an open space and conservation easement to secure the long-term protection of the ESHA. The staff concludes that these conditions are necessary to achieve consistency with the ESHA protection policies of the Half Moon Bay LCP.

## **Public Shoreline Access/Traffic Congestion**

Although the recent amendments to the permit application reduce the number of proposed residential lots from 145 to 134, the proposed subdivision still represents an increase of 132 developable lots in Half Moon Bay. As discussed in the attached staff recommendation, the current traffic volumes on the two highways that serve the San Mateo County Mid-Coast region already exceed roadway capacity. The resulting traffic congestion significantly interferes with the public's ability to access the coast. Further exacerbating this problem are the facts that (1) the capacity of Highway's 1 and 92 cannot feasibly be increased to meet even current demand, and (2) that buildout of the existing supply of developable lots in the region allowable under the City and County LCPs is expected to greatly increase traffic volumes on these highways over the next 10 years.

The most recent Countywide Transportation Plan predicts far greater congestion on these two corridors by 2010, stating "in 2010 the most congested corridor [in San Mateo County] will be Western 92" (C/CAG 2000). This report projects increases in the traffic volumes of 197- and

218-percent on Highways 1 and 92 respectively in the Mid-Coast region, and attributes these increases to “the anticipated levels of new development on the Coastside and the continued pattern of Coastsiders out-commuting to jobs in San Francisco and on the Bayside.” This latest report serves to corroborate and underscore the findings of all of the previous traffic studies conducted in the region over the past three decades that Highways 1 and 92 in the Mid-Coast Region are not adequate to serve either the current or the expected future demands of development.

The Half Moon Bay LCP specifies that new development shall not be permitted in the absence of adequate infrastructure including roads. LUP Policy 9-2 states in relevant part:

***No permit for development shall be issued unless a finding is made that such development will be served upon completion with water, sewer, schools, and road facilities...*** [Emphasis added.]

LUP Policy 9-4 states in relevant part:

***Prior to issuance of a development permit, the Planning Commission or City Council shall make the finding that adequate services and resources are available to serve the proposed development... Lack of available services or resources shall be grounds for denial of the project or reduction in the density otherwise indicated in the land use plan.*** [Emphasis added.]

LUP Policy 10-4 states:

***The City shall reserve public works capacity for land uses given priority by the Plan, in order to assure that all available public works capacity is not consumed by other development and control the rate of new development permitted in the City to avoid overloading of public works and services.***

The LCP also adopts Coastal Act Section 30252 as a guiding policy, which states in relevant part:

***The location and amount of new development should maintain and enhance public access to the coast....***

In light of the inescapable fact that there is not adequate highway capacity to serve even the existing level of development in the region, the question that is squarely before the Commission in considering the proposed subdivision is whether an increase of 132 developable lots can be permitted in the City consistent with these LCP policies. It is the staff's position that any increase in developable lots in the Mid-Coast Region will result in significant adverse cumulative impacts to public access, and would therefore be inconsistent with the Half Moon Bay LCP. However, this conclusion *does not* preclude the proposed or any other future residential subdivision in the region. The significant adverse cumulative impacts to highway congestion and public access to and along the coast in the Mid-Coast region of San Mateo County associated with new residential subdivisions can be adequately mitigated by retiring the development rights on an equivalent number of existing developable lots in the region.

Lot retirement is not dependent on the existence of an established transfer of development rights (TDR) program, but can feasibly be undertaken by an individual developer in the absence of any such program. In fact, the Wavcrest Village Development considered by the Commission in

October 2000 proposed a net decrease in developable lots in Half Moon Bay. Even so, the City has included the development of a TDR program in its work program for the LCP update, and the Commission awarded assistance grant funding for this work program in December 2000. In its December 15, 2000 preliminary assessment to the City of the feasibility of establishing a TDR program, the City's consultant identified 663 parcels and 1,453 potential transfer or donor sites in four PUD districts in the City. These sites were identified as particularly desirable donor sites for a TDR program to achieve a number of planning goals. However, the retirement of equally-sized developable lots at any location within the Mid-Coast region, including both infill lots and paper subdivisions, would be sufficient to mitigate the significant adverse cumulative impacts of the proposed subdivision. Since development anywhere within the San Mateo County Mid-Coast contributes to traffic congestion on Highways 1 and 92, retirement of lots anywhere in this region would mitigate the impacts of the Pacific Ridge development. Thus, in addition to the donor sites identified in the City's preliminary assessment, the proportional retirement of any of the several thousand existing undeveloped lots within the Mid-Coast region would serve to mitigate the cumulative impacts of the proposed project. Many of these existing lots are in "paper subdivisions" the development of which would likely result in significant impacts to coastal resources, including wetlands and other environmentally sensitive habitat areas.

Imposing a lot retirement requirement as a condition of approval for the proposed subdivision in an area without a transfer of development rights program would not represent a precedential action for the Commission. The Commission first imposed such a requirement in 1979 as a condition of a coastal development permit for a small lot subdivision in the Santa Monica Mountains to mitigate for significant adverse cumulative impacts on public access to and along the coast due to severe traffic congestion on Highway 1. The Commission took this action prior to the creation of the Malibu/Santa Monica Mountains TDC program. In fact, the Commission's action in 1979 provided a major impetus for the formation of the Malibu/Santa Monica Mountains TDC program.

For all of these reasons, the staff concludes that a condition requiring the proportional retirement of lots in the Mid-Coast region is essential to achieve consistency of the project with the Half Moon Bay LCP. In conclusion, the staff recommends that in conjunction with any action to approve the proposed development, the Commission impose suggested Special Condition 6 requiring the applicant to extinguish the development rights on at least 124 lots in the San Mateo County Mid-Coast region. The total combined area of the lots on which the development rights are extinguished shall at least be equal to the total area of the 124 new residential lots authorized herein.

The applicant proposes to provide *temporary* access to the development via Terrace Avenue, and to construct no more than 40 homes until such time that permanent access to the site is provided by the construction of either Foothill Boulevard or Bayview Drive. However, neither of these proposed access roads has been permitted. In fact, the applicant does not possess the necessary property rights at this time to apply for a permit for or to construct either of these roads. Thus, there is no assurance at this time that either of these roads will be permitted and constructed in the future. LUP Policy 9-2 states that no permit for development shall be issued unless a finding is made that such development will be served upon completion with road facilities. Until a coastal development permit is approved for a permanent access road to serve all of the 134 residential lots proposed in the permit application, the Commission cannot make this required

A-1-99-22 (Ailanto Properties)  
Suggested Conditions for Approval

finding. The staff therefore concludes that suggested Condition 12 below is necessary in order to approve a coastal development permit for the proposed development consistent with the Half Moon Bay LCP.

***NOTE:** The exhibits referenced below are attached to this document following the Special Conditions and **are not** the exhibits attached to the staff report.*

## **SPECIAL CONDITIONS**

### **1. Revised Subdivision Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a revised project site plan eliminating Lot Numbers 124-131 as shown on the Pacific Ridge at Half Moon Bay Site Plan dated January 26, 2001, attached as Exhibit 1. No development, including grading, shall be allowed on any slopes that currently drain to the pond or other wetlands north of Stream 3 as shown on the January 26, 2001 site plan.
- B.** The applicant shall undertake development in accordance with the revised site plan approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

### **2. Open Space and Conservation Easement – Habitat Protection**

- A.** No development, as defined in Coastal Act Section 30106, nor any agriculture or grazing activities shall occur in the environmentally sensitive habitat area north of Stream 3 as shown on Exhibit 1 except for development necessary for habitat enhancement, if approved by the Commission as an amendment to this coastal development permit.
- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space and conservation easement for the purpose of resource protection and habitat conservation. Such easement shall include legal descriptions of both the applicant's entire property and the easement area. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition.
- C.** The offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

### **3. Park Dedication**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and consistent with the terms of the proposed project description, the applicant shall submit, for the review and approval of the Executive Director, evidence that the approximately 5-acre park sites as generally depicted on the January 26, 2001 site plan attached as Exhibit 1, has been dedicated in fee to the City of Half Moon Bay or another public agency approved by the Executive Director for public recreational use.

**4. Open Space Deed Restriction – Scenic View Protection**

- A. No development, as defined in Coastal Act Section 30106, including but not limited to land division, grading, and landscaping shall occur on the slopes above the 160-foot contour as shown in Exhibit 2. No development authorized herein shall obstruct views of the slopes above the 160-foot contour from any point on Highway 1.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development on the slopes above the 160-foot contour except for the area within the habitat conservation easement area described in Special Condition 2. The deed restriction shall include legal descriptions of both the applicant's entire property and the easement area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**5. Habitat Management Plan**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Habitat Management Plan that shall provide specific measures designed to manage the environmentally sensitive habitat area on the northern portion of the project site for the benefit of the San Francisco garter snake and the California red-legged frog. Management measures included in the plan shall include, but not be limited to, predator control and long-term monitoring. The applicant shall be responsible for assuring the long-term implementation of the approved Habitat Management Plan.

**6. Riparian Corridor Protection**

The three stream crossings authorized herein shall span the streams with no supports located within the riparian corridors. All construction activities, materials and equipment are prohibited from entering the riparian corridors and their respective buffer zones except as necessary for the construction of one road crossing each on Streams 1, 2 and 3. Prior to commencement of grading, the applicant shall install temporary construction fencing along the outer edge of all riparian buffer zones as shown on the January 12, 2001 site plan.

**7. Evidence of Water Service**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall provide written evidence, for the review and approval of the Executive Director, demonstrating that: (1) water capacity is available to serve the development authorized herein upon completion; and (2) the Coastside County Water District will serve the development authorized herein upon completion.

**8. Cumulative Public Access Impact Mitigation**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit evidence, for the review and approval of the Executive Director, that the development rights have been permanently extinguished on at least 124



developable lots such that the subdivision of property authorized herein shall not result in a net increase of developable lots within that geographical area. The lots shall be extinguished only in the Mid-Coast Region of San Mateo County, an area that is generally depicted on Exhibit 3 and that is primarily served by the segment of Highway 1 between its intersection with Highway 92 and Devil's Slide and/or by the segment of Highway 92 west of Highway 280. Each mitigation lot shall be an existing legal lot or combination of contiguous existing legal lots and shall be zoned to allow development of a detached single-family residence. The legality of each mitigation lot shall be demonstrated by the issuance of a Certificate of Compliance by the City or County consistent with the applicable standards of the certified LCP and other applicable law. The total combined area of the lots on which the development rights are extinguished shall be at least equal to the total area of the 124 the new residential lots authorized herein.

- B.** For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicant shall, prior to issuance of the coastal development permit execute and record a document, in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an open space or scenic easement to preserve the open space and scenic values present on the property that is the source of the development right being extinguished and to prevent the significant adverse cumulative impact to public access to the coast that would result as a consequence of development of the property for residential use. Such easement shall include a legal description of the entire property that is the source of the development right being extinguished. The recorded document shall also reflect that development in the easement area is restricted as set forth in this permit condition. Each offer shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assigns, and shall be irrevocable for a period of 21 years, such period running from the date of recording.
- C.** For each development right extinguished in satisfaction of subdivision A of this permit condition, the applicant shall, prior to issuance of the coastal development permit, also execute and record a deed restriction, in a form and content acceptable to the Executive Director, requiring the applicant to combine the property that is the source of the development right being extinguished with an adjacent already developed lot or with an adjacent lot that could demonstrably be developed consistent with the applicable certified local coastal program. The deed restriction shall include legal descriptions of all combined and individual lots affected by the deed restriction. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.
- D.** As an alternative to the method described in subsection B and C above, the applicant may instead, prior to issuance of the coastal development permit, purchase developable lots that satisfy the criteria in subsection A above and, subject to the review and approval of

the Executive Director, dedicate such lots in fee to a public or private land management agency approved by the Executive Director for permanent public recreational or natural resource conservation purposes.

**9. Erosion Control**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall provide, for the review and approval of the Executive Director, an Erosion Control Plan to reduce erosion and, to the maximum extent practicable, retain sediment on-site during and after construction. The plan shall be designed to minimize the potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. The Erosion Control Plan shall incorporate the Best Management Practices (BMPs) specified below.

**1. Erosion & Sediment Source Control**

- a. Sequence construction to install **sediment-capturing devices** first, followed by runoff control measures and runoff conveyances. Land clearing activities should only commence after the minimization and capture elements are in place.
- b. Time the clearing and grading activities to avoid the rainy season (October 15 through April 30).
- c. Minimize the area of bare soil exposed at one time (phased grading).
- d. Clear only areas essential for construction.
- e. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative BMPs, such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- f. Construction entrances should be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- g. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- h. Soil and/or other construction-related material stockpiled on site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- i. Excess fill shall not be disposed of in the Coastal Zone unless authorized through either an amendment to this coastal development permit or a new coastal development permit.

**2. Runoff Control and Conveyance**

- a. Intercept runoff above disturbed slopes and convey it to a permanent channel or stormdrains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- b. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.

**3. Sediment-Capturing Devices**

- a. Install stormdrain inlet protection that traps sediment before it enters the storm sewer system. This barrier could consist of filter fabric, straw bales, gravel, or sand bags.
- b. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
- c. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acre or less per 100 feet of fence. Silt fences should be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.

**4. Chemical Control**

- a. Store, handle, apply, and dispose of pesticides, petroleum products, and other construction materials properly.
- b. Establish fuel and vehicle maintenance staging areas located away from all drainage courses, and design these areas to control runoff.
- c. Develop and implement spill prevention and control measures.
- d. Provide sanitary facilities for construction workers.
- e. Maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents should not be discharged into sanitary or storm sewer systems. Washout from concrete trucks should be disposed of at a location not subject to runoff and more than 50 feet away from a stormdrain, open ditch or surface water.
- f. Provide adequate disposal facilities for solid waste, including excess asphalt, produced during construction.
- g. Develop and implement nutrient management measures. Properly time applications, and work fertilizers and liming materials into the soil to depths of 4 to 6 inches. Reduce the amount of nutrients applied by conducting soil tests to determine site nutrient needs.

- B.** The applicant shall undertake development in accordance with the final erosion control plans approved by the Executive Director. No proposed changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required. The applicant

shall be fully responsible for advising construction personnel of the requirements of the Erosion Control Plan.

**C. Erosion Control Maintenance.** All of the above described erosion control measures shall be maintained pursuant to the following requirements.

1. All BMP traps/separators and/or filters shall be cleaned at minimum prior to the onset of the storm season and no later than October 15<sup>th</sup> each year.
2. Sediment traps/basins shall be cleaned out at any time when 50% full (by volume).
3. Sediment shall be removed from silt fences at any time when it reaches 1/3 the fence height.
4. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
5. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described above.

**D. Erosion Control Monitoring.** Throughout the construction period, the applicants shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan. The applicant shall report the results of the inspections in writing to the Executive Director prior to the start of the rainy season (no later than October 15<sup>th</sup>), after the first storm of the rainy season, and monthly thereafter until April 30<sup>th</sup> for the duration of the project construction period. Major observations to be made during inspections and reported to the Executive Director shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed to enter the property as needed to conduct on-site inspections throughout the construction period.

## **10. Storm-water Pollution Prevention**

**A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and approval of the Executive Director, a final **Storm-water Pollution Prevention Plan (SWPPP)**. The SWPPP shall demonstrate that the approved development shall maintain post-development peak runoff rate and average volume at levels equal to pre-development levels, and reduce the post-development loadings of Total Suspended Solids (TSS) so that the average annual TSS loadings are no greater than pre-development loadings. The SWPPP shall incorporate the Best Management Practices (BMPs) described below.

### **1. Minimize Creation of Impervious Surfaces**

- a. Design residential streets for the minimum required pavement widths needed to comply with all zoning and applicable ordinances to support travel lanes, on-street parking, emergency, maintenance and service vehicle access, sidewalks, and vegetated open channels.

- b. Minimize the number of residential street cul-de-sacs and incorporate landscaped areas to reduce their impervious cover. The radius of cul-de-sacs should be the minimum required to accommodate emergency and vehicle turnarounds. Alternative turnarounds shall be employed where allowable.
- c. Avoid curb and gutter along driveways and streets where appropriate.
- d. Incorporate landscaping with vegetation or other permeable ground cover in setback areas between sidewalks and streets.
- e. Use alternative porous material/pavers (e.g., hybrid lots, parking groves, permeable overflow parking, crushed gravel, mulch, cobbles) to the extent practicable for sidewalks, driveways, parking lots, or interior roadway surfaces.
- f. Reduce driveway lengths, and grade and construct driveways to direct runoff into adjacent landscaped areas.
- g. Direct rooftop runoff to permeable areas rather than driveways or impervious surfaces in order to facilitate infiltration and reduce the amount of storm-water leaving the site.

## **2. Roads and Parking Lots**

- a. Install vegetative filter strips or catch basin inserts with other media filter devices, clarifiers, grassy swales and berms, or a combination thereof to remove or mitigating oil, grease, hydrocarbons, heavy metals and particulates from storm-water draining from all roads and parking lots.
- b. Roads and parking lots should be vacuum swept monthly at a minimum, to remove debris and contaminant residue.

## **3. Landscaping**

- a. Native or drought tolerant adapted vegetation should be selected, in order to minimize the need for fertilizer, pesticides/herbicides, and excessive irrigation.
- b. Where irrigation is necessary, the system must be designed with efficient technology. At a minimum, all irrigation systems shall have flow sensors and master valves installed on the mainline pipe to ensure system shutdown in the case of pipe breakage. Irrigation master systems shall have an automatic irrigation controller to ensure efficient water distribution. Automatic irrigation controllers shall be easily adjustable so that site watering will be appropriate for daily site weather conditions. Automatic irrigation controllers shall have rain shutoff devices in order to prevent unnecessary operation on rainy days.
- c. All BMP traps/separators and/or filters shall be cleaned prior to the onset of the storm season and no later than October 15<sup>th</sup> each year. All pollutants contained in BMP devices shall be contained and disposed of in an appropriate manner.
- d. Non-routine maintenance activities that are expensive but infrequent, such as detention basin dredging, shall be performed on as needed based on the results of the monitoring inspections described below.

**B. Storm-water Pollution Prevention Monitoring.** The applicant shall conduct an annual inspection of the condition and operational status of all structural BMPs provided in satisfaction of the approved SWPPP including the detention basin. The results of each annual inspection shall be reported to the Executive Director in writing by no later than June 30<sup>th</sup> of each year for the following the commencement of construction. Major observations to be made during inspections and reported to the Executive Director shall include: locations of discharges of sediment or other pollutants from the site; BMPs that are in need of maintenance; BMPs that are not performing, failing to operate, or inadequate; and locations where additional BMPs are needed. Authorized representatives of the Coastal Commission and/or the City of Half Moon Bay shall be allowed to enter the property as needed to conduct on-site inspections of the detention basin and other structural BMPs.

**C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for the review and approval of the Executive Director a **Water Quality Monitoring Plan (WQMP)**. The WQMP shall be designed to evaluate the effectiveness of the SWPPP to protect the quality of surface and groundwater and shall provide the following:

1. The WQMP shall specify sampling locations appropriate to evaluate surface and groundwater quality throughout the project site, including, but not limited to all major storm drains.
2. The WQMP shall specify sampling protocols and permitted standards for all identified potential pollutants including, but not necessarily limited to: heavy metals, pesticides, herbicides, suspended solids, nutrients, oil, and grease.
3. Beginning with the start of the first rainy season (October 15 - April 30) following commencement of development and continuing until three years following completion of all grading, landscaping and other earth disturbing work, surface water samples shall be collected from the specified sampling locations during the first significant storm event of the rainy season and each following month through April 30. Sampling shall continue thereafter in perpetuity on an annual basis during the first significant storm event of the rainy season.
4. Results of monitoring efforts shall be submitted to the Commission upon availability.

**D.** If any water quality standards specified in the WQMP are exceeded, the applicant shall assess the potential sources of the pollutant and the potential remedies. If it is determined based on this assessment that applicable water quality standards have not been met as a result of inadequate or failed BMPs, corrective actions or remedies shall be required. If potential remedies or corrective action constitute development, as defined in Section 30106 of the Coastal Act, an amendment to this permit shall be required.

**E. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall execute and record a deed restriction over the project site, in a form and content acceptable to the Executive Director, reflecting the above restrictions on development. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and

assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

**11. Grading Plan**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a **Final Grading Plan** specifying:
1. The respective quantities of cut and fill and the final design grades and locations for all project related grading, including building foundations, streets, drainage, and utilities.
  2. The phasing of all grading during construction.
- B.** Grading shall be conducted in strict conformity to the approved Grading Plan, Erosion Control Plan, SWPPP, and habitat protection measures specified in Special Conditions 6, 9 and 10.

**12. Project Site Access**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall identify the permanent access road to the project site and shall obtain final approval from the City of Half Moon Bay, or from the Commission on appeal, of a coastal development permit for all required roadway and/or intersection improvements required for the approved permanent access road.
- B. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF ANY PORTION OF ANY RESIDENTIAL STRUCTURE**, the permittee shall complete the construction of all roadway and/or intersection improvements for the permanent access road in accordance with an approved coastal development permit.